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BELL, BOYD & LLOYD LLP			EXAMINER	
P.O. Box 1135			YOO, JASSON H	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/651,685	Applicant(s) WEBB ET AL.	
	Examiner Jasson H. Yoo	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,033,307).

Vancura discloses the following:

1, 24. A method and a gaming device (col. 5:1-12) operable under control of at least one processor (video slot machine is programmed, cols. 4:67, 5:22) comprising:

- a game operable upon a wager by a player (200 in Figs. 2 and 3);
- a plurality of reels (50 and 55 in Figs. 1 and 5) including a plurality of symbols (80, 82, 84, 86 in Figs. 1 and 5) in said game, said symbols including at least one award symbol (value award symbols col. 6:6-10), at least one positive modifier symbol (positive modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col. 14:14-41 and Fig. 5); and

said at least one processor programmed for a play of the game to (cols. 4:67-5:1):

- cause a display of a plurality of the symbols on the reels (Fig. 1);

upon an occurrence of a triggering event (bonus qualifying event, cols. 5:63-6:3, 7:35-53), display an award associated with at least said award symbol (86 in Fig. 2, value award symbols col. 6:6-10) ; and

modify the award by a positive modifier associated with any of said displayed positive modifier symbol on said reels (positive sum modifiers, col. 6:6-10; and multipliers, cols. 11:33-37) and a designated number of negative modifier associate with any of said displayed negative modifier symbol on said reels (col. 14:14-41).

Vancura discloses the claimed invention but fails to teach following:

the triggering event is based on at least the award symbol and the positive modifier symbol being displayed simultaneously on the reels; and

the award is modified by a designated number of positive modifiers and a designated number of negative modifiers.

Nevertheless, the above limitations are obvious design changes that are obvious to incorporate to Vancura's gaming machine as discussed below.

Vancura discloses a method and a gaming machine in which a triggering event leads to an award that can be modified, but fails to specifically teach that the triggering event is based on at least the award symbol and the positive modifier symbol being displayed simultaneously on the reels. However, the specific symbol combination displayed on the reels to provide a triggering event is a design change, and does not functionally alter the gaming device suggested by Vancura in which a bonus-qualifying

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event provides an award to a player that can be modified by positive and negative modifiers (cols. 5:63-6:3, 14:13-41). Arbitrary symbols and bonus symbols can be used to activate the bonus game (col. 7:7-12, 35-49). Furthermore, two "bonus" symbols simultaneously appearing on the pay-line (col. 7:35-40) may lead to a bonus-qualifying event. Players can easily distinguish award symbols and positive modifier symbols within a conventional slot machine as bonus symbols. By using at least one award symbol and a positive modifier as a triggering event, players can easily recognize the bonus qualifying event. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made, to modify Vancura's gaming device, and incorporate a triggering event that is based on an award symbol and a positive modifier symbol in order to provide a recognizable symbol combination that triggers a bonus event.

Vancura discloses a method and a gaming device in which a designated number of positive modifier and designated number negative modifier is used to modify an award (Designated by the selection of the symbol on the reels when the reels rotate and stop. In Fig. 5, one positive modifier "x3" and one negative modifier "-1" is designated.). However, Vancura fails to specifically teach that a designated number of positive modifiers and a designated number of negative modifiers modify the award. Nonetheless, providing a plurality of positive modifiers and a plurality of negative modifiers is a design choice, in which parts are duplicated. Many slot machines have more than 3 reels to represent a symbol combination (i.e. 5 reel slot machine).

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Providing more reels to display more symbols allow the awards to range in a greater range. Thus the player has an opportunity to win a greater award prize. Vancura's gaming allows the award to be modified by using 3 reels (Fig. 5). The first reel is used to display an award symbol, and the other two reels are used to display the modifiers. By increasing the number of reels that represent modifiers, the gaming machine can provide the player a greater range of awards. There are multiple ways in which the processor can select the number of positive modifiers and the number of negative modifiers. It can be implied that each reels used to display the modifiers include both positive modifiers and negative modifiers (Vancura discloses designating two positive modifiers, col. 5:7-8; designating two negative modifiers, col. 14:25; or designating one positive modifier and one negative modifier, col. 14:21-22). Furthermore, Vancura discloses reel includes a null symbol that is included in the reels ("0" or modifier "x1" can be considered to be null, cols. 6:6-8, 20:55, 11:10-14, 11:44-50, 12:33-37). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Vancura's gaming device and incorporate the award to be modified by a designated number of positive modifiers and a designated number of negative modifiers, in order to provide the player a greater range of award prizes.

2. The positive modifier includes at least one of the following: a positive value, a positive multiplier and a positive percentage of the award (cols. 6:6-10, 12:33-37).

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3. The negative modifier includes at least one of the following: a negative value and a negative percentage of the award (col. 14:14-41).

4. A probability of being selected is associated with each of the positive and negative modifiers (probability based on the symbols provided on the reels, cols. 10:31-67, 12:46-57).

5. At least one relatively large positive modifier and a plurality of relatively small positive modifiers are associated with the positive modifier symbol (e.g. small positive modifier can be #3 and large modifier can be #15, col. 10:54).

7. At least one relatively large negative modifier and a plurality of relatively small negative modifiers are associated with the negative modifier symbol (i.e. -1 and -10, col. 14:25).

9. The plurality of reels include a plurality of independent reels (each reel 86 spin independently, Fig. 1).

10. The triggering event occurs on a payline associated with the reels (col. 5:63-64).

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11. Vancura discloses at least one payline (col. 5:25-27). It is well known in the art to provide multiple paylines in order to provide the player a plurality of chances to win during game. Furthermore Vancura discloses symbols displayed near the payline are used to provide an outcome (col. 5:29-32). Thus the triggering event occurs on a plurality of paylines associated with the reels..

12. The award associated with the award symbol is randomly determined (symbols are randomly determined by the spinning reels 86 in Fig. 1).

13. The award associated with the award symbol is predetermined (The game operator predetermines the award associated with the award symbol. I.e. game operator may associated the symbol "3" with 3 credits.).

15. The designated number of positive modifiers and the designated number of negative modifiers for each symbol are randomly determined (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

16. The positive modifiers and each of the negative modifiers includes a randomly determined value (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

17. The positive modifiers and each of the negative modifiers includes a pre-determined value (the symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

18. The designated number of positive modifiers and the designated number of negative modifiers are pre-determined (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

19. Each of the positive modifiers and each of the negative modifiers includes a randomly determined value (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

20. Each of the positive modifiers and each of the negative modifiers includes a pre-determined value (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

21. The triggering event occurs when at least one award symbol, at least one positive modifier symbol and at least one negative modifier symbol occur on the reels (Fig. 5).

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25, 26. The negative modifier modifies the award symbol before or after the positive modifier modifies the award symbol, depending on which modifier is selected first.

27. Associating a probability of being selected with each of the negative and positive modifiers (probability based on the symbols provided on the reels, cols. 10:31-67, 12:46-57).

30. Randomly determining the designated number of positive modifiers and the designated number of negative modifiers (the number of positive modifier symbols and negative modifier symbols is randomly determined by the spinning reels 86 in Fig. 1).

31, 34. Associating a randomly determined value with each of the positive modifiers and each of the negative modifiers (the value of the symbols is randomly determined by the spinning reel 86 in Fig. 1).

32, 35. Associating a pre-determined value with each of the positive modifiers and each of the negative modifiers (the symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

33. Pre-determining the designated number of positive modifiers and the designated number of negative modifiers (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

36. Initiating the bonus game includes initiating the bonus game when at least one award symbol, at least one positive modifier symbol and at least one negative modifier symbol occur on the reels (bonus game can be reinitiated until a lose symbol appears, col. 5:36-49).

37. The method of claim 24, wherein the steps (a) to (e) are provided to the player through a data network (cols. 5:1-5, 5:8-13).

39. The method of claim 24, which includes a different number of positive and negative symbols (number of symbols vary, cols. 10:31-67, 12:46-57).

40. A plurality of award symbols (i.e. col. 10:54).

6, 8, 14, 22, 23, 28, 29. Vancura discloses a gaming device comprising a plurality of reels (55 in Figs. 1 and 5) including a plurality of symbols (86 in Figs. 1 and 5), said symbols including at least one positive modifier symbol (modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col.

14:14-41 and Fig. 5); an award adapted to be provided to a player (230 in Figs. 2 and 3) as discussed used above. However, Vancura fails to specifically teach the following:

6. The probability associated with the relatively large positive modifier is less than the at least one of the probabilities associated with the plurality of relatively small positive modifiers.

8. The probability associated with the relatively large negative modifier is less than the plurality of probabilities associated with the plurality of relatively small negative modifiers.

14, 22, 28, 29. The average value of the modifiers applied to the award is greater than zero.

23. The average value of the positive and negative modifiers in a plurality of the spins of the reels is approximately zero.

Nevertheless, the average value of the symbols and the probability of selecting a particular symbol is a design choice. Vancura specifically teaches the probability of obtaining a specific combination and the number of award values and modifiers is design choice allows the game designer to change player's winnings and game plays to the game designer's preference (cols. 1:35-62, col. 7:14-34, 10:56-67, 12:46-53). For example, the game designer may changing the probability of obtaining a specific combination and the number of award values and modifiers in order to provide more playing time with less awards, or less playing time with greater awards. Therefore it would have been obvious to one of ordinary skilled in the art, at the time the invention was made to modify Vancura's gaming machine and incorporate the average value of

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the symbols and the probability of selecting a particular symbol, in order adjust the playing time and the award winnings to the gaming operator's preference.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,033,307), in view of Kelly (US 5,816,918).

Vancura discloses the game is played through a network, but fails to specifically teach the network is an Internet. However, in an analogous art to gaming apparatuses and gaming environments, Kelly teaches a gaming apparatus configured for play over a global network (the Internet and Worldwide Web). Playing over a global network offers the player to play games from a remote server or other source (col. 2:44-47). It also allows players to compete or otherwise interact in a game with hundreds or even thousands of other players who are also connected to the Internet (col. 2:47-49). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vancura's method of playing a game of chance and incorporate the configuration for play over the Internet, in order to allow players to play an interactive game at various locations.

Response to Arguments

Applicant's arguments filed 4/11/07 have been fully considered but they are not persuasive.

Applicant argues that Vancura does not disclose a triggering event based on at least the award symbol and the positive modifier symbol displayed simultaneously on

the reels and the bonus symbols are used for the bonus game. However, as noted above, the specific symbol combination displayed on the reels to provide a triggering event is a design change, and does not functionally alter the gaming device suggested by Vancura in which a bonus-qualifying event provides an award to a player that can be modified by positive and negative modifiers (cols. 5:63-6:3, 14:13-41). Vancura further discloses bonus symbols can be used for the triggering event (col. 7:9-10, 35-49).

With respect to Applicant arguments that Vancura does not teach the newly amended claim elements, a new ground of rejection in view of Vancura has been made. See rejection for claim 1 for the explanation on how Vancura teaches the newly amended claim elements.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

/Corbett Coburn/
Primary Examiner
AU 3714